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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/653,235

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Kang Soo Seo

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EXAMINER

CHOI, MICHAEL P

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/653,235	Applicant(s) SEO ET AL.	
	Examiner Michael Choi	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,9,12,15-19,22,25,28,29,32,35,36,39,42,43,46 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,9,12,15-19,22,25,28,29,32,35,36,39,42,43,46 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/9/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 9, 12, 15-19, 22, 25, 28, 29, 32, 35, 36, 39, 42, 43, 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al. (US 6,385,389 B1) in view of Ando et al (2001/0046371 A1).

Regarding Claim 1, Maruyama et al. teaches a computer readable medium having a data structure for managing reproduction of at least still images recorded on the computer readable medium, comprising:

- a data area storing a first stream file and a second stream file, the first stream file including video data reproducing at least one still image, the second stream file including

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audio data (in at least Figs. 3 and 8 - video and audio data areas; Figs. 6A,B – reproduction of video comprising still pictures and audio); and

- a playlist area storing at least one playlist file (in at least Fig. 16, video title set information having program chain information table; Col. 20, lines 20-44),
- wherein the at least one playitem includes an indicator indicating whether to display the at least one still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38).

Maruyama et al. fails to explicitly teach the at least one playlist file including at least one playitem and at least one sub-playitem, the at least one playitem indicating an in-point and an out-point that point to positions on a time axis of in the first stream file for reproducing the at least one still image, the at least one sub-playitem indicating an in-point and an out-point that point to positions on a time axis of the second stream file for reproducing the audio data. Ando et al. teaches teach the at least one playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points) , the at least one playitem indicating an in-point and an out-point that point to positions on a time axis of in the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points per time), the at least one sub-playitem indicating an in-point and an out-point that point to positions on a time axis of the second stream file for reproducing the audio data (Figs. 28A,B, 43-48 – audio entry points per time).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such respective video and audio entry points so as to allow user facilitation of playback at desired starting or stopping (last stop/pause) points (Ando et al. in at least Paragraph 166).

Regarding Claim 6, Maruyama et al. teaches the computer readable medium of claim 4, but fails to explicitly teach claim 6. Ando teaches wherein the at least one playitem field (Figs. 7-10, 12, 28A,B and 43-48) further includes duration information indicating a duration for displaying the at least one still image (Figs. 6A – time chart points; 7-10, 12, 28A,B and 43-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such respective video and audio entry points so as to allow user facilitation of playback at desired starting or stopping (last stop/pause) points (Ando et al. in at least Paragraph 166) whereby such points show duration.

Regarding Claim 9, Maruyama et al. teaches the computer readable medium of claim 4, but fails to explicitly teach claim 9. Ando teaches wherein the at least one playitem field (Figs. 7-10, 12, 28A,B and 43-48) includes identifiers identifying a clip of data including the at least one still image (Figs. 7-10, 12, 28A,B and 43-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such respective video and audio entry points so as to allow user facilitation of playback at desired starting or stopping (last stop/pause) points (Ando et al. in at least Paragraph 166).

Regarding Claim 12, Maruyama et al. teaches the computer readable medium of claim 11, wherein the at least one playlist file further includes mark information, and the mark information includes a mark pointing to the at least one still image (Fig. 33 – the PGC contains management information having a search pointer of a PGC correlating to a cell (Fig. 27) containing a VOB).

Regarding Claim 15, Maruyama et al. teaches a method of reproducing a data structure for managing reproduction of at least still images recorded on a recording medium, comprising:

- reproducing a first stream file and a second stream file, the first stream file including video data reproducing at least one still image, the second stream file including audio data (in at least Figs. 3 and 8 - video and audio data areas; Figs. 6A,B – reproduction of still pictures and audio); and
- wherein the at least one playitem includes an indicator indicating whether to display the at least one still image for one of a finite and an infinite period of time (Col. 16, lines 56+ - the conventional displaying of duration indicates whether to display for certain duration as displayed; Col. 15, lines 31-38).

Maruyama et al. fails to explicitly teach the at least one playlist file including at least one playitem and at least one sub-playitem, the at least one playitem indicating an in-point and an out-point that point to positions on a time axis of in the first stream file for reproducing the at least one still image, the at least one sub-playitem indicating an in-point and an out-point that point to positions on a time axis of the second stream file for reproducing the audio data. Ando et al. teaches teach the at least one playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points) , the at least one playitem indicating an in-point and an out-point that point to positions on a time axis of in the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points per time), the at least one sub-playitem indicating an in-point and an out-point that point to positions on a time axis of the second stream file for reproducing the audio data (Figs. 28A,B, 43-48 – audio entry points per time).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have such respective video and audio entry points so as to allow user facilitation of playback at desired starting or stopping (last stop/pause) points (Ando et al. in at least Paragraph 166).

Regarding Claims 16, 17 and 18 are rejected under the same grounds as claim 15/

Regarding Claim 19, Maruyama et al. teaches the computer readable medium of claim 1, wherein the first stream file is separate from the second stream file (in at least Figs. 3 and 8, video and audio area separate).

Claims 22, 29, 36 and 43 are rejected under the same grounds as claim 19.

Claims 25, 32, 39 and 46 are rejected under the same grounds as claim 6.

Claims 28, 35, 42 and 49 are rejected under the same grounds as claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Michael Choi/
Examiner, Art Unit 2621